

To: Gilley, Anne[Gilley.anne@epa.gov]
From: Freeman, Carol
Sent: Tue 2/11/2014 9:19:19 PM
Subject: RE: Time for the tough questions...

I just retrieved your voicemail. I am at the PSP fusion center desk for the afternoon. At my desk there til 430. (just left you a voicemail too)

Ex. 6 - Personal Privacy

From: Gilley, Anne [Gilley.anne@epa.gov]
Sent: Tuesday, February 11, 2014 4:17 PM
To: Freeman, Carol
Subject: RE: Time for the tough questions...

Carol,

Hope you got my voicemail message about this. My HQ contact said that she would most likely need to consult with OSHA to see under whose jurisdiction (OSHA or MSHA) this facility would fall, but she needs details of the facility in order to do that. For instance, is the coal washing facility at the mining site, etc... Please provide me with as much information about the coal washing facility so that OSHA can give us informed advice.

Thanks.

Anne Gilley, EPCRA Coordinator

Oil & Prevention Branch (3HS61)

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gilley.anne@epa.gov

From: Freeman, Carol [<mailto:cafreeman@pa.gov>]
Sent: Tuesday, February 11, 2014 11:27 AM
To: Gilley, Anne
Subject: RE: Time for the tough questions...

No problem. Hope you are better!!!

I found the original agreement between EPA and MSHA. Guess my second question would be whether there is anything in EPCRA that would allow the SERC or the LEPC to request a Tier II or MSDS from a mining facility.

From: Gilley, Anne [<mailto:Gilley.anne@epa.gov>]
Sent: Tuesday, February 11, 2014 11:23 AM
To: Freeman, Carol
Subject: RE: Time for the tough questions...

Carol,

I was out last week with the flu and the weather. Just wanted you to know that I am trying to get an answer for your question.

Anne Gilley, EPCRA Coordinator

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From: Freeman, Carol [<mailto:cafreeman@pa.gov>]

Sent: Friday, February 07, 2014 3:56 PM

To: Gilley, Anne

Subject: Time for the tough questions...

According to the EPA website Q&A –

Are mining facilities required to notify under Sections 311 and 312?

Mining facilities regulated by the Mining Safety and Health Administration (MSHA) are not subject to OSHA's Hazardous Communication Standards (HCS) and, therefore, are not subject to the Section 311 and 312 requirements. However, it should be noted that because MSHA covers only actual mining activities, all other operations, such as refining, are covered under OSHA's HCS and are thus subject to Sections 311 and 312.

Now for my question –

If crude MCHM is used in a coal washing facility that is owned by a mining company in a closed system froth flotation process that separates valuable minerals, would that not be reportable on a Tier II if onsite at 10,000 pounds? Coal washing is not coal mining...

This is rather time sensitive. Your guidance would be appreciated.

Carol B. Freeman | Administrative Officer

Department of Labor & Industry |

Bureau of Occupational & Industrial Safety | Pennsafe Program

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